



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

October 19, 2006

Cheryl Newton
Deputy Director
Air and Radiation Division (Mail Code AR-18J)
USEPA Region V
77 West Jackson
Chicago, IL 60604

Cheryl
Dear Ms. Newton:

This letter summarizes the Illinois EPA's past and present activities to address the opacity exceedances of Illinois' coal-fired generating units. This letter is submitted at the request of the USEPA to resolve lingering confusion regarding Illinois EPA's consideration of historical opacity data in the CAAPP permit review process.

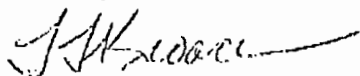
As part of the processing of the CAAPP permit applications for Illinois' 22 coal-fired power plants, the Illinois EPA's Division of Air Pollution Control Permit Section reviewed opacity data for the coal-fired generating units in response to a number of comments that were received related to opacity from these units. As explained in the Responsiveness Summaries accompanying the issuance of these CAAPP permits, this review found that it was appropriate to include certain periodic monitoring requirements in the permits regarding the data collected and reported by sources with respect to opacity. Neither this review nor the record in total provided a sufficient basis to support the inclusion of compliance schedules in the CAAPP permits. However, this review did not foreclose future action by the Illinois EPA to address opacity; the Illinois EPA did not conclude nor state that there were no violations of opacity standards.

The Illinois EPA Division of Air Pollution Control Compliance and Enforcement Section will continue to review quarterly opacity reports submitted by these sources, together with the existing information, to determine whether enforcement action is warranted. As part of such future action, Illinois EPA will make a determination as to whether the frequency and pattern of the opacity exceedances at these sources warrant enforcement action, e.g., they meet USEPA's criteria for high priority violation(s), and would proceed accordingly per our existing compliance guidance and agreements. Like the Bureau's other compliance work, the specific timing and nature of these activities will be governed by such guidance, available resources, current enforcement priorities and other relevant considerations. Consistent with our current practices, Illinois will work with Region 5's enforcement staff on this issue.

Where enforcement is initiated for violations of applicable opacity standards and the enforcement results in a settlement or adjudicated finding of non-compliance, this could require revision of the CAAPP permit for the subject source to include any relevant requirements. This further action on a CAAPP permit would be required if a compliance schedule or other new applicable requirements are established for a source. This further action would occur in accordance with applicable administrative procedures governing revision and/or reopening of CAAPP permits.

I trust this letter resolves any confusion relative to the Illinois EPA's review of opacity data during the processing of the applications for CAAPP permits for the 22 coal-fired power plants. If you have any further questions regarding this matter, please contact the undersigned at (217-785-4140).

Sincerely,



Laurel L. Kroack
Chief, Bureau of Air